UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,189	03/16/2001	Kevin D. Morishige	M-9631 US	6678

33031 7590 10/04/2004		EXAMINER
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ART UNIT	PAPER NUMBER
2666	

BLDG. 4, SUITE 201
AUSTIN, TX 78759

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/811,189	MORISHIGE ET AL.
	Examiner	Art Unit
	Shick C Hom	2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16-21* is/are rejected.

7)☒ Claim(s) *1-15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 March 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Drawings

1.   Figures 1-3 should be designated by a legend such as --

Prior Art-- because only that which is old is illustrated.   See

MPEP § 608.02(g).   Corrected drawings in compliance with 37 CFR

1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should

be labeled "Replacement Sheet" in the page header (as per 37 CFR

1.121(d)) so as not to obstruct any portion of the drawing

figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required

corrective action in the next Office action. The objection to

the drawings will not be held in abeyance.

Specification

2.   The disclosure is objected to because of the following

informalities: in page 2, the brief description of the drawings

is missing and what is now under the heading "Brief Description

of the Drawings" appears to be the detailed description of a

preferred embodiment.   Appropriate correction is required.

Claim Objections

3.   Claims 1-15 and 21 are objected to because of the following
informalities: in claim 1 line 17 and claim 9 line 19 the word
"a header field" seem to refer back to the header field recited
in claims 1 and 9 line 4, respectively.   If this is true, it is
suggested changing "a header field" to ---the header field---.
In claim 9 line 12 delete "the data" and insert ---said data
from one of the header fields--- as in claim 9 line 8, for
clarity.   In claim 21 line 1 delete typo "comuter" and insert --
-computer---.   Claims 2-8 and 10-15 are objected to because they
depend from objected claims 1 and 9, respectively.

Claim Rejections - 35 USC § 112

4.   Claims 16-21 are rejected under 35 U.S.C. 112, second
paragraph, as being indefinite for failing to particularly point
out and distinctly claim the subject matter which applicant
regards as the invention.

    In claims 16, 18, lines 11-12, claim 20 line 9, and claim
21 line 10, which recite "the switching system" lack clear
antecedent basis because no switching system have been
previously recited in the claims and therefore the limitation is
not clearly understood.   In claim 20 line 10 and claim 21 line
11 which recite "the means" lacks clear antecedent basis.

Claims 17 and 19 are rejected under 35 U.S.C. 112, second

paragraph because they depend from rejected claims 16 and 18,

respectively.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published
> under section 122(b), by another filed in the United States before the
> invention by the applicant for patent or (2) a patent granted on an
> application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international
> application filed under the treaty defined in section 351(a) shall have the
> effects for purposes of this subsection of an application filed in the
> United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English
> language.

6.   Claims 16-21 are rejected under 35 U.S.C. 102(e) as being

anticipated by Gohara et al. (5,159,591).

Regarding claim 16:

      Gohara et al. disclose the apparatus comprising: a buffer

configured to receive a data frame to be transmitted to a

destination device via a switching fabric, wherein the switching

fabric comprises a plurality of data ports through which data

frames enter or exit the switching fabric (see col. 4 lines 43-

53 and Fig. 1 which shows the buffer 2, the switching section 3,

and the highways 121 which corresponds to the memory circuit,

the switching fabric, and the data ports, respectively; Fig. 6

shows the data frame format being used); a routing data

generation circuit coupled to the buffer, wherein the routing

data generation circuit is configured to generate and add

routing data to the data frame received by the buffer, wherein

the routing data identifies one of the plurality of data ports

through which the data frame will exit the switching fabric to

reach the destination device (see col. 6 lines 64-68 which

recite inserting routing information such as output port number

to the header); wherein the buffer is configured to transmit the

received data frame to the switching system after the routing

data generation circuit adds the routing data to the data frame

(see Fig. 1).

Regarding claim 17:

     Gohara et al. disclose wherein the buffer is coupled to the

switching fabric via first and second data ports thereof (see

col. 4 lines 43-53 which recite the internal highways and Figs.

1 and 3 which shows the ports 0-255).

Regarding claim 18:

     Gohara et al. disclose the apparatus comprising: a memory

circuit configured to receive a data frame to be transmitted to

a destination device via a switching fabric, wherein the

switching fabric comprises a plurality of data ports through

which data frames enter or exit the switching fabric (see col. 4

lines 43-53 and Fig. 1 which shows the buffer 2, the switching

section 3, and the highways 121 which corresponds to the memory

circuit, the switching fabric, and the data ports, respectively;

Fig. 6 shows the data frame format being used); means coupled to

the memory circuit, to generate and add routing data to the data

frame received by the memory circuit, wherein the routing data

identifies one of the plurality of data ports through which the

data frame will exit the switching fabric to reach the

destination device (see col. 6 lines 64-68 which recite

inserting routing information such as output port number to the

header); wherein the memory circuit is configured to transmit

the received data frame to the switching system after the means

adds the routing data to the data frame (see Fig. 1).

Regarding claim 19:

Gohara et al. disclose wherein the memory circuit is

coupled to the switching fabric via a first pair of the

plurality of data ports (see col. 4 lines 43-53 which recite the

internal highways and Figs. 1 and 3 which shows the ports 0-

255).

Regarding claim 20:

Gohara et al. disclose the method comprising: a memory

circuit receiving a data frame to be transmitted to a

destination device via a switching fabric, wherein the switching

fabric comprises a plurality of data ports through which data

frames enter or exit the switching fabric (see col. 4 lines 43-

53 and Fig. 1 which shows the buffer 2, the switching section 3,

and the highways 121 which corresponds to the memory circuit,

the switching fabric, and the data ports, respectively; Fig. 6

shows the data frame format being used); generating and adding

routing data to the data frame received by the memory circuit,

wherein the routing data identifies one of the plurality of data

ports through which the data frame will exit the switching

fabric to reach the destination device (see col. 6 lines 64-68

which recite inserting routing information such as output port

number to the header); the memory circuit transmitting the

received data frame to the switching system after the means adds

the routing data to the data frame (see Fig. 1).

Regarding claim 21:

Gohara et al. disclose the computer readable medium storing

instructions executable by a computer system (see col. 2 lines

16-52 which recite the use of a packet processor for converting

frame and assembling cells clearly anticipate a computer system)

to implement a method, the method comprising: a memory circuit

receiving a data frame to be transmitted to a destination device

via a switching fabric, wherein the switching fabric comprises a

plurality of data ports through which data frames enter or exit
the switching fabric (see col. 4 lines 43-53 and Fig. 1 which
shows the buffer 2, the switching section 3, and the highways
121 which corresponds to the memory circuit, the switching
fabric, and the data ports, respectively; Fig. 6 shows the data
frame format being used); generating and adding routing data to
the data frame received by the memory circuit, wherein the
routing data identifies one of the plurality of data ports
through which the data frame will exit the switching fabric to
reach the destination device (see col. 6 lines 64-68 which
recite inserting routing information such as output port number
to the header); the memory circuit transmitting the received
data frame to the switching system after the means adds the
routing data to the data frame (see Fig. 1).

Allowable Subject Matter

7.   Claims 1-15 would be allowable if rewritten or amended to
overcome the objection(s) set forth in this Office action.

Conclusion

8.   The prior art made of record and not relied upon is
considered pertinent to applicant's disclosure.

Takase et al. disclose ATM cell policing method and apparatus.

Stuart et al. disclose switched token ring over ISL (TR-ISL) network.

Kozaki et al. disclose switching system having means for congestion control by monitoring packets in a shared buffer and by suppressing the reading of packets from input buffers.

Olson et al. disclose alternate routing arrangement.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be
obtained from the Patent Application Information Retrieval
(PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status
information for unpublished applications is available through
Private PAIR only. For more information about the PAIR system,
see http://pair-direct.uspto.gov. Should you have questions on
access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

SH

DANG TON
PRIMARY EXAMINER